



Appeal Decision

Site visit made on 24 October 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2024

Appeal Ref: APP/G5180/W/23/3320976

36 Burrfield Drive, Orpington BR5 4BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chucks Onyekwelu against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/04641/FULL1, dated 23 November 2022, was refused by notice dated 16 March 2023.
 - The development proposed is a new detached 2 bedroom dwelling, alterations to boundary fencing and new dropped kerb and driveway to host dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. There has recently been a revised National Planning Policy Framework (the Framework) published by Government, which includes amendments to the housing land supply and housing delivery test. The latest Housing Delivery Test (HDT) results for the London Borough of Bromley indicate that delivery appears to be stalled, like the previous HDT results. Consequently, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my approach.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. 36 Burrfield Drive (No 36) occupies a corner plot at the junction of Burrfield Drive and Berens Road. No 36 has a long side garden, which adjoins Burrfield Drive and is enclosed by a close boarded fence that is set back from the road behind an open grass verge.
5. The surrounding area is largely characterised by close groupings of semi-detached and terraced dwellings of similar designs and materials set within large plots. The dwellings follow strong building lines, set back from the road with gardens and parking to the road frontage. This, together with the grassed areas and substantial gardens on the corner plots, provides the street scene with a pleasant and spacious character.
6. The proposed dwelling would be in No 36's side garden. Although the proposal would retain some distance to the nearest dwellings, it would significantly

reduce the openness of the existing garden, which is an important feature of the area. The proposal would be located slightly closer to the road than the surrounding dwellings, breaking the strong building lines seen in the area. As such, notwithstanding the adequate provision of side space, the scale and siting of the dwelling would appear at odds with the character, appearance and context of the area, and fail to enhance the quality of this place.

7. The proposal would include a new boundary fence adjacent to the highway incorporating the existing verge, to form a wider garden to No 36. This arrangement would further diminish the existing openness of the site. The incongruity of the proposal would be accentuated by the detached siting of the dwelling within the plot, and therefore its relatively solitary status in the streetscene.
8. I understand that this scheme seeks to overcome a previous application that was refused by the Council. Whereas it may be that previous concerns in relation to height and design have been addressed, this would not overcome the harm that would arise in relation to the spatial aspects of the proposal set out above.
9. As such, I conclude that the proposal would be harmful to the character and appearance of the area, contrary to Policies 3, 4 and 37 of the Local Plan 2019. Collectively, these policies support development that positively contributes to the street scene and enhances the quality of local places.

Other Matter

10. The appellant considers the site to be in an accessible location. However, I note from the evidence that this location actually has a very low PTAL, which indicates poor access by public transport. This matter has therefore carried very little weight in favour of the scheme.

Planning Balance and Conclusion

11. Given the harm that would arise to the character and appearance of the area, the proposal would conflict with the development plan when read as a whole.
12. The Council cannot demonstrate a 5-year supply of deliverable housing sites. The current position is 3.99 years supply, which is identified as a significant undersupply and, as per the latest, 2022 HDT results, delivery also appears to be considerably stalled. Therefore, the provisions of paragraph 11d) of the Framework should be applied.
13. The proposal would deliver one new dwelling, in support of the Government's objective of significantly boosting the supply of homes. The site is a small one so the redevelopment could be delivered quickly. The proposal would provide a good standard of accommodation, as well as a suitable amount of private outdoor space for its future occupiers and for the residents at No 36. Given the Council's current 5-year supply figure and HDT results, collectively, these benefits attract moderate weight in favour of the appeal proposal.
14. The proposal would also be acceptable in relation to other matters, including living conditions of adjoining neighbours and highways. However, these are neutral factors that neither weight for or against the development, as they only relate to the absence of harm.

15. I understand that the site has been the subject of fly-tipping. Whereas I appreciate that this is unpleasant, I am not persuaded that constructing a new dwelling is the only means to contribute towards the security of the site and crime prevention in this location.
16. On the other hand, the Framework also places great emphasis on the need for schemes to be sympathetic to local character and maintain a strong sense of place. Given the harm that would arise to the character and appearance of the area in this case, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
17. Overall, I therefore conclude that there are no material considerations of sufficient weight to indicate that a decision should be made otherwise than in accordance with the development plan in this case. Therefore, the appeal is dismissed.

P Terceiro

INSPECTOR